clusion unwarranted. The first settlers were the Amorites, fair in color with blue eyes, of unquestioned white blood, then in succession the Semites, Persians, Greeks and Macedonians, Romans, Arabs, Crusaders, Turks, and French. Of ten conquerors, all but two were members of the white race. So admitting that Syria is a compound of races, the predominant strain is white. But presuming that the conquerors were Asiatic, which they were not, it is surprising that the learned Judge did not discuss the possibility of these successive conquests not leaving physical results, of being what Bryce called a "top-dressing" of population. Remembering the Romans in Gaul and Brittany, and the English in Acquitania, the Tartars in Russia, the Saracens in Spain, and their disappearance today in those regions, anthropologically, we might well argue the existence of the original Semitic stock in Syria today and their right to be classified in the white race. Part of the Hindoos fall within this category, the descendants of the original white invaders in India being clearly entitled to admission to American citizenship, though their number is insignificant as compared with the great mass of Asiatics surrounding them.

The conclusion of the court is, that the definition of whites should be geographical, that none but whites from Europe or of European descent should be admitted to citizenship. Although evidently the court does not believe with Huxley, that "as Americans we should be endowed with the serene impartiality of the mongrel", yet, how can the court reconcile the presence in this privileged European group of Magyars, Lapps and Finns who are of Ugric Asiatic stock, the Basques and Albanians, the Moorish inhabitants of Spain and Portugal, the mixed Latin, Greek, Phoenician, inhabitants of Sicily and the mixed Slav and Tartar inhabitants of Southern Russia? How can the court conscientiously admit these evident Mongolian and Asiatic strains and at the same time bar the Syrians of the Mediterranean group of whites? The inconsistency of this position is very apparent.

L. G.

BANKRUPTCY: JURISDICTION OVER CORPORATION AFTER DISSOLUTION.—The opinion in the case of *In Re Double Star Brick Co.*[1] is of interest as illustrating the disposition of the federal courts not to restrict their jurisdiction by a too narrowly logical construction of the Bankruptcy Act. In that case a corporation had forfeited its charter under the provisions of the California License Tax Act,[2] before the filing of the petition in bankruptcy; but upon motion by certain of the creditors to dissolve the adjudication, the court was held to have jurisdiction.

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[1] (District Court, N. D. Cal., Feb. 5, 1913), 210 Fed. 980.

[2] 1905 Stat. Cal. 493. This act has been repealed, 1913 Stat. Cal. 680.

Under the decisions of the Supreme Court of California,[3] the failure to pay the license tax resulted in an absolute forfeiture of the corporation's charter, and in a termination of the corporate existence. The situation presented in the principal case was therefore somewhat different than in other cases where the statute, though providing for a forfeiture, also provided for a continuance of the corporate entity for the purpose of winding up the corporate affairs. Under the latter circumstances, it has been held that a court of bankruptcy may obtain jurisdiction to adjudicate the corporation bankrupt.[4]

It does not clearly appear whether, in the principal case, the act of bankruptcy relied on was committed before or after the forfeiture of the charter. If it was the fact that the corporation had committed the act of bankruptcy before the loss of its charter, then, under the authorities,[5] the jurisdiction of the bankruptcy court could not be defeated by the dissolution of the corporation before proceedings were begun. This rule is explained as follows in one of the cases on the subject: "The jurisdiction of the bankruptcy court attached, or its right to act, arose when the company, being insolvent, committed an act of bankruptcy. Any other view of the matter would destroy the effect of the bankruptcy act entirely."[6]

It is interesting to note, in connection with this decision, the view of the courts that the death of a natural person before the commencement of proceedings prevents a court of bankruptcy from exercising jurisdiction over his estate.[7] So there can be no adjudication of bankruptcy where an alleged bankrupt was insane at the time of the commission of the acts of bankruptcy relied on.[8] The decisions are not harmonious as to the effect of insanity intervening between the commission of an act of bankruptcy and the filing of a petition. In one case it was held by a district court that an adjudication of insanity prior to the filing of the petition deprived the bankruptcy court of jurisdiction.[9] It has been intimated by other authorities,[10] however, that the rule under the present act should be the same as that adopted under the act of 1867,—that if an act of bankruptcy is committed by a sane person,

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[3] Kaiser Land and Fruit Co. v. Curry (1909), 155 Cal. 638; Lewis v. Curry (1909), 156 Cal. 93; Lewis v. Miller & Lux (1909), 156 Cal. 101.

[4] Re International Mining Co. (1906), 143 Fed. 665; Re Munger Vehicle Tire Co. (1908), 159 Fed. 901.

[5] Re Storck Lumber Co. (1902), 114 Fed. 360; Re Adams & Hoyt Co. (1908), 164 Fed. 489.

[6] Re Adams & Hoyt Co., supra.

[7] Re Pierce (1900), 102 Fed. 977.

[8] Re Kehler (1908), 159 Fed. 55, 162 Fed. 674; Re Ward (1908), 161 Fed. 755.

[9] Re Funk (1900), 101 Fed. 244.

[10] Black on Bankruptcy, § 101; see also, Re Kehler (1908), 159 Fed. 55, (1908), 162 Fed. 674.

neither his later insanity, nor a later adjudication of insanity, will deprive the court of jurisdiction to adjudge him bankrupt.[11]

M. E. H.

CONSTITUTIONAL LAW: ACT TO REGULATE COMMERCE: CONSTRUCTION AND VALIDITY OF AMENDED LONG-AND-SHORT-HAUL CLAUSE (FOURTH SECTION).—The first authoritative construction of the Long-and-Short-Haul Clause (fourth section) of the Act to Regulate Commerce as amended in 1910[1] is afforded by the long-awaited decision of the United Supreme Court in the Intermountain Cases,[2] *United States v. Atchison, Topeka & Santa Fe Railroad Company.* The court finds the section constitutional and sustains the construction placed upon it by the Interstate Commerce Commission.[3]

The essentials of the original Act to Regulate Commerce are largely English in origin. The second section is modeled upon the Equality clause of the English Railway Consolidation Act of 1845.[4] The prototype of the third section is the Undue Preference clause of the Railway and Canal Traffic Act of 1854.[5] The genesis of these provisions determines their interpretation, since, upon well-settled principles of statutory construction, the adoption by the law-making branch of the legislation of another jurisdiction comprehends the judicial interpretation theretofore impressed upon such legislation in the place of its origin.[6] Accordingly, the English decisions construing the Equality and Undue Preference clauses have been determinative of the construction of the second and third sections of the act.[7] The fourth section which, in its original form prohibited the exaction of a greater charge for a shorter than for a longer haul over the same line in the same direction "under substantially similar circumstances and conditions", has no specific correlative in the English legislation. Inasmuch, however, as the clause was designed to forbid a particular form of discrimination between localities, condemned in more general terms by the preceding sections, it received a corresponding construction. It was accordingly held by the Supreme Court, following English precedents, that the prohibitions of the fourth

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[11] Re Pratt (1872), 2 Low. 96, No. 11371 Fed. Cas.; Re Weitzel (1876), 7 Biss. 289, No. 17365 Fed. Cas.

[1] 36 Stat. at L. 547, 1911 U. S. Comp. Stat. Supp. 1288.

[2] (June 22, 1914), 234 U. S. 476, 34 Sup. Ct. Rep. 986.

[3] R. R. Com. of Nevada v. S. P. Co. (1911), 21 I. C. C. 329; City of Spokane v. Northern Pac. Ry. Co. (1911), 21 I. C. C. 400.

[4] 8 and 9 Vict. Cap. 20, § 90; 3 Boyle & Waghorn, pp. 148, 179.

[5] 17 and 18 Vict. Cap. 31, § 2; 3 Boyle & Waghorn, p. 202.

[6] McDonald v. Hovey (1884), 110 U. S. 619, 28 L. Ed. 269, 4 Sup. Ct. Rep. 142; I. C. C. v. B. & O. R. R. Co. (1892), 145 U. S. 263, 36 L. Ed. 699, 12 Sup. Ct. Rep. 844.

[7] I. C. C. v. B. & O. R. R. Co., supra; T. & P. Ry. Co. v. I. C. C. (1896), 162 U. S. 197, 40 L. Ed. 940, 16 Sup. Ct. Rep. 666.